

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-10835

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 17, 2007 THOMAS K. KAHN CLERK

D.C. Docket No. 05-00348-CV-CAR-5

MARCIA WALL,
CAROL GRIMES, et al.,

Plaintiffs–Appellants,

versus

ALEXIS CHASE,
OFFICER CUNNINGHAM, et al.,

Defendants–Appellees.

Appeal from the United States District Court
for the Middle District of Georgia

(October 17, 2007)

Before CARNES, BARKETT and HILL, Circuit Judges.

PER CURIAM:

The appellants, eight former inmates at Washington State Prison (“WSP”) in

Georgia, brought a class action against employees of the Department of Corrections (“DOC”)¹ for deliberate indifference to their conditions of confinement and medical treatment, in violation of the Eighth Amendment and 42 U.S.C. § 1983. Specifically, they allege that a spider infestation at WSP caused numerous spider bites which resulted in staphylococcus infections, scarring, disfigurement, and pain. The inmates also claim that Drs. Barbara Dalrymple and Rodgers—staff physicians at WSP—provided constitutionally inadequate or untimely medical treatment for the bites and infections, in violation of the Eighth Amendment and 42 U.S.C. § 1983.

The district court denied the inmates’ motion to certify the requested class. Thereafter, the district court granted summary judgment on the merits against Plaintiffs Marcia Wall and Carol Grimes, finding that the voluminous number of depositions established that the plaintiffs had failed to create a genuine issue of material fact that the defendants were deliberately indifferent. The district court also granted summary judgment in favor of the DOC and against the remaining six

¹The defendants are Joachim Ferrero, the Acting Commissioner of the DOC; James Doctor, the Facilities Director of the DOC; Dr. Joseph Paris, the Medical Director of the DOC; Alexis Chase, the Warden of WSP; Drs. Barbara Dalrymple and Rodgers, medical doctors at WSP; Officers Bill Cunningham, Adams, and Thompson, corrections officers at WSP; and Lieutenants Sandra Abrams, John Coleman, Jr., and Blackshear, also corrections officers at WSP. The Amended Complaint refers to Joachim P. Ferrero as “Joe Ferrero,” to Sandra Abrams as “Abram,” and to several individuals without providing their first names. We refer to the defendants collectively as the DOC.

inmate plaintiffs for failure to exhaust their administrative remedies. Appellants contest each of these rulings.

First, we find no error in the district court's rejection of the proposed class as unidentifiable and overly broad. Second, and more importantly, we affirm the summary judgment on the merits in favor of the defendants and against Plaintiffs Wall and Grimes. The voluminous discovery in this case supports the district court's conclusion that the plaintiffs have failed to create a genuine issue of material fact that the defendants were deliberately indifferent in their response to the spider infestation problem or that the two doctors were responsible for constitutionally inadequate or untimely medical treatment for the bites and infections.

We also affirm the district court's summary judgment as to the remaining six plaintiffs—Bruce, Garrison, Beauford, Gourley, Maddox, and Roberson. Although the district court granted the summary judgment on the basis of their failure to exhaust their administrative remedies before filing their § 1983 claims, we find, as we have noted, that the record, which includes the depositions of all the relevant parties to this case, cannot support the central claim of all of the plaintiffs, that the defendants were deliberately indifferent to their conditions of confinement or medical treatment.

AFFIRMED.